IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2746 OF 2004

Shri Satnamsingh Gurucharansingh
Saluja ...Petitioner

Versus

Mrs.Manpreetkaur Saluja W/o.
Indeerjeetsingh Saluja & Anr. ...Respondents

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Mr.M.K.Kulkarni for Petitioner.

Mr.S.S.Shah for Respondent No.1.

Mr.R.Y.Mirza, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 9, 2005.

P.C.

1. Heard Counsel for the Petitioner.

2. The first contention before this Court is that the order as passed by the Trial Court is nothing but subjecting the Petitioner to undue harassment. It is submitted that the evidence to

justify the allegations, can be collected and brought on record before the Magistrate without requiring investigation by the police. I see no substance in this argument.

3. The Court below, after reading the complaint as a whole, has observed that it reveals that the allegations are serious in nature and would require detailed investigation. That is a possible view. Hence, no fault can be found with the order as passed by the Trial Court calling for report by the investigating agency under Section 156 (3) of the Criminal Procedure Code.

4. The second contention is that even if the complaint is read as a whole, no offence is made out against the Petitioner. Even this submission clearly overlooks the allegations in the complaint. The assertions made in the complaint clearly indicate the ingredients of offence in question and specific role of the Petitioner has been spelt out to indicate the complicity of the Petitioner in the commission of the offence. If it is so, it is not possible to accept the statement that no offence is

made out in the complaint as filed, even if it is read as a whole. As no other argument is canvassed before me, there is no substance in this Petition. The same is dismissed.

5. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.